

Chesapeake Bay Exception CBE-12-097: 138 Riverview Plantation Drive - Stanford

Staff report for the May 9, 2012 Chesapeake Bay Board Public Hearing

This staff report is prepared by James City County Engineering and Resource Protection to provide information to the Chesapeake Bay Board to assist them in making a recommendation on this assessment. It may be useful to members of the general public interested in this assessment.

Existing Site Data & Information

Applicant: Donald Stanford

Land Owner: Donald Stanford

Location: 138 Riverview Plantation Drive

Parcel: Lot 3, Block D, Riverview Plantation – Section 2 Subdivision

Parcel Identification: 1640600003

Lot Size: 0.38 acres

RPA Area on Lot: 0.36 acres or 95% of the lot (RPA only)

Watershed: York River (HUC Code YO65)

Proposed Activity: Installation of 9'-4" x 14'-8" portable shed

Proposed Impacts

Impervious Area: 140 square feet (approximate)

RPA Encroachment: 140 square feet to the seaward 50 foot RPA Buffer

Description of Activities

Mr. Donald Stanford has applied for an exception to the Chesapeake Bay Preservation Ordinance (Ordinance) for an encroachment into the RPA buffer for the placement of a portable storage shed in the backyard of the property. The project is located at 138 Riverview Plantation Drive within the Riverview Plantation – Section 2 Subdivision. The lot was platted prior to the 1990 adoption of the Chesapeake Bay Preservation Ordinance. The proposed improvements are within the seaward 50

foot RPA buffer. The proposed portable storage shed will be placed on concrete blocks and replaces an old shed that was removed.

Background of Parcel

Based on staff review of County records, the lot was recorded prior to the adoption of the Chesapeake Bay Preservation Ordinance. As the proposed accessory structure (shed) is located within the RPA buffer, it cannot be administratively reviewed, therefore in accordance with section 23-14 of the Ordinance an exception request must be considered by the Board following public hearing under the formal exception process. The exception request before the board, and decision to approve or deny by resolution, is for encroachment into the RPA buffer for the placement of the 9'-4" x 14'-8" portable storage shed.

Water Quality Impact Assessment (WQIA)

Under Sections 23-11 and 23-14 of the County's Chesapeake Bay Preservation ordinance, a water quality impact assessment (WQIA) must be submitted for any proposed land disturbing activity resulting from development or redevelopment within RPAs.

The applicant has submitted the required information as outlined in the *James City County Water Quality Impact Assessment Guidelines*. The applicant has submitted a *County Sensitive Area Activity Application* which is included in the case report packet.

Consideration by the Chesapeake Bay Board

The issue before the Board is the installation of a storage shed that will create approximately 140 square feet of impervious area within the seaward RPA buffer. The Board is to determine whether or not this is consistent with the spirit and intent of the Ordinance and make a finding based upon the five (5) criteria outlined in Section 23-14 (c) of the Ordinance.

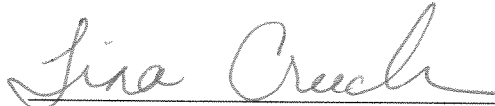
The board is permitted to require reasonable and appropriate conditions in granting the exception request in accordance with Section 23-14 of the County's Chesapeake Bay Preservation ordinance. The Board is to fully consider Chesapeake Bay Exception CBE-12-097 as outlined and presented above and review the request for exception and the water quality impact assessment. The Board may grant the exception with such conditions and safeguards as deemed necessary to further the purpose and intent of the County's Chapter 23 Chesapeake Bay Preservation Ordinance. Resolutions for granting approval or denial of Chesapeake Bay Exception CBE-12-097 are included for the Board's use and decision.

Staff Recommendations


Staff recommends **approval** of the application with the incorporation of the following conditions into the approval:


1. The applicant must obtain all other necessary local permits as required for the project.
2. Mitigation plantings shall meet James City County standards, shall be guaranteed with a \$250 surety satisfactory to the County Attorney and the provisions of the Ordinance contained in Sections 23-10(3) (d) and 23-17(c).
3. This exception request approval shall become null and void if construction has not begun by May 9, 2013.
4. Written requests for an extension to an exception shall be submitted to the Engineering and Resource Protection Division no later than 2 weeks prior to the expiration date.

Staff Report prepared by:


Tina Creech
Senior Resource Protection Inspector

CONCUR:


Michael D. Woolson
Secretary to the Board


Scott J. Thomas, Director
Engineering and Resource Protection

Attachments: Sensitive Area Activity Application
Exhibits:
A- Plat
B- Picture of shed area